

AMENDED IN ASSEMBLY APRIL 25, 2011

AMENDED IN ASSEMBLY MARCH 8, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 404

Introduced by Assembly Member Gatto
(Coauthor: Assembly Member Galgiani)

February 14, 2011

~~An act to add Chapter 5.6 (commencing with Section 66360) to Part 40 of Division 5 of Title 3 of the Education Code, relating to postsecondary education. An act to add Chapter 1.78 (commencing with Section 5097.1000) to Division 5 of the Public Resources Code, relating to Native Americans.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 404, as amended, Gatto. ~~Public postsecondary education: Native American Linguistic Institute.~~ *Native American language preservation.*

Existing law establishes the California Indian Heritage Center Task Force within the Department of Parks and Recreation. Existing law requires the task force to have certain duties and responsibilities including the responsibility of establishing and maintaining communication between tribes, museums, and local, state, and federal governmental agencies.

This bill would authorize the Governor to appoint a liaison with tribal governments and communities whose duties would include, in consultation with Native American tribes and tribal members, offering assistance with Native American language preservation. The bill would establish the California Native American Language Preservation Fund in the State Treasury for the acceptance of private donations, to be

made available upon appropriation by the Legislature, to facilitate statewide efforts to preserve Native American languages. The provisions establishing the fund and duties of the liaison would become operative on the date that the Office of the Governor notifies the Secretary of State that the Governor has appointed a liaison. The bill would also make various findings and declarations regarding Native American language preservation.

~~Existing law, the Donahoe Higher Education Act, establishes the segments of public postsecondary education in this state. These segments include the University of California, which is administered by the Regents of the University of California, and the California State University, which is administered by the Trustees of the California State University. Provisions of the Donahoe Higher Education Act apply to the University of California only to the extent that the regents, by resolution, make these provisions applicable.~~

~~This bill would provide that by January 1, 2013, the Trustees of the California State University shall, and the Regents of the University of California may, establish a Native American Linguistic Institute, to preserve Native American tribal languages. The institute would include 2 faculty members.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Chapter 1.78 (commencing with Section*
2 *5097.1000) is added to Division 5 of the Public Resources Code,*
3 *to read:*

4
5 *CHAPTER 1.78. NATIVE AMERICAN LANGUAGE PRESERVATION*

6
7 *5097.1000. The Legislature finds and declares all of the*
8 *following:*

9 *(a) California is the home to 109 federally recognized American*
10 *Indian tribes, the largest number of tribal nations of any state in*
11 *the United States.*

12 *(b) There were over 80 distinct indigenous languages spoken*
13 *in California prior to contact with European culture.*

14 *(c) These languages represent as many as 23 distinct language*
15 *families.*

1 (d) *Language is a crucial part of culture and history, and is*
2 *essential for the transmission of both to future generations.*

3 (e) *The State of California recognizes that tribal nations and*
4 *indigenous Californians are actively engaged in these language*
5 *preservation and revitalization efforts.*

6 (f) *In spite of these efforts, there are still many tribes whose*
7 *languages face extinction as the last-remaining tribal elders, who*
8 *are fluent in these ancient languages, are dying each year.*

9 (g) *Part of the reason for reduced fluency in Native American*
10 *languages is the previous, express policies of the state that*
11 *discouraged Native Americans from speaking and learning their*
12 *languages.*

13 (h) *The state must act to save the languages that face certain*
14 *extinction before it is too late to preserve them.*

15 (i) *The state supports native language preservation and*
16 *recognizes that preservation and revitalization of indigenous*
17 *California languages is of the utmost importance to the state's*
18 *heritage.*

19 (j) *The Governor has expressed the intent to appoint a liaison*
20 *within the executive branch to liaise with tribal governments and*
21 *communities within California.*

22 5097.1001. *For purposes of this chapter, the following*
23 *definitions shall apply:*

24 (a) *"Fund" means the California Native American Language*
25 *Preservation Fund established pursuant to Section 5097.1003.*

26 (b) *"Liaison" means the person appointed by the Governor*
27 *pursuant to Section 5097.1002.*

28 5097.1002. (a) *The Governor may appoint a liaison within*
29 *the Executive branch to liaise with tribal governments and*
30 *communities within California.*

31 (b) *The liaison shall have the following duties:*

32 (1) *In consultation with Native American tribes and tribal*
33 *members, offer assistance with Native American language*
34 *preservation.*

35 (2) *Offer the tribes and tribal members, upon request, access*
36 *to existing resources, such as recording devices and volunteer*
37 *assistance from experts in language preservation, dictionary*
38 *creation, and linguistics.*

39 (3) *Encourage public and private universities in California to*
40 *assist the liaison for purposes of this chapter by, among other*

1 things, contacting experts in the field of Native American languages
2 and seeking their participation.

3 (4) Identify and give a priority to tribes and native speakers
4 whose languages are in the greatest danger of extinction,
5 considering also those who do not have the resources necessary
6 to undertake language-preservation efforts.

7 (c) (1) All works created for purposes of this section shall be
8 the property of the tribes from which they originate.

9 (2) These works may be stored at the California State Indian
10 Museum, with the permission of the originating tribe or tribal
11 member.

12 5097.1003. (a) The California Native American Language
13 Preservation Fund is hereby established in the State Treasury.
14 The fund shall be administered by the liaison.

15 (b) Upon appropriation in the annual Budget Act, moneys in
16 the fund shall be made available to the liaison for expenditure to
17 enable partnerships with stakeholders to facilitate statewide efforts
18 to preserve Native American languages with an emphasis on
19 languages facing extinction.

20 (c) The Treasurer may accept private donations for deposit in
21 the fund.

22 5097.1004. Except for subdivision (a) of Section 5097.1002,
23 this chapter shall become operative on the date the Office of the
24 Governor provides notice to the Secretary of State that the
25 Governor has appointed a liaison as described in subdivision (a)
26 of Section 5097.1002.

27 ~~SECTION 1. Chapter 5.6 (commencing with Section 66360)~~
28 ~~is added to Part 40 of Division 5 of Title 3 of the Education Code,~~
29 ~~to read:~~

30
31 ~~CHAPTER 5.6. NATIVE AMERICAN LINGUISTIC INSTITUTE~~
32

33 ~~66360. The Legislature finds and declares all of the following:~~

34 ~~(a) California is the home to 109 federally recognized American~~
35 ~~Indian tribes, the largest number of tribal nations in the United~~
36 ~~States.~~

37 ~~(b) There were over 80 distinct indigenous languages spoken~~
38 ~~prior to contact with European culture.~~

39 ~~(c) These languages represent 23 distinct language families in~~
40 ~~California.~~

1 ~~(d) Chapter 324 of the Statutes of 2009 (A.B. 544) for the~~
2 ~~issuance of a California state credential authorizing fluent speakers~~
3 ~~of American Indian languages to teach the languages in California's~~
4 ~~public schools.~~

5 ~~(e) The State of California recognizes that tribal nations and~~
6 ~~indigenous Californians are actively engaged in these revitalization~~
7 ~~efforts.~~

8 ~~(f) Language defines culture and is essential to the social fabric~~
9 ~~of a diverse California.~~

10 ~~(g) The state supports native languages preservation and~~
11 ~~restoration programs on California State University and University~~
12 ~~of California campuses.~~

13 ~~(h) Revitalization of indigenous California languages is of the~~
14 ~~utmost importance to all people of the State of California.~~

15 ~~SEC. 2. Section 66360.1 is added to the Education Code, to~~
16 ~~read:~~

17 ~~66360.1. By January 1, 2013, the Trustees of the California~~
18 ~~State University shall, and the Regents of the University of~~
19 ~~California may, establish a Native American Linguistic Institute,~~
20 ~~to preserve Native American tribal languages. The institute shall~~
21 ~~include two faculty members.~~